

**FIFTY-FIRST LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Donald Carter, Cumberland Presbyterian Church, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 99.

**CORRECTION TO JOURNAL**

On January 19, 1978 (page 2029) House Bill No. 1624 was referred to the Committee on Judiciary. This was in error House Bill No. 1624 should be referred to the Committee on Transportation.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

1126 — To grant right-of-way, funeral processions;

1484 — To regulate trapping of wild foxes, Jackson County;

1523 — To repeal Chapter 186, Acts of 1823; all substituted for Senate Bills on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 726, 1553, 1554 and 1587; and House Joint Resolutions Nos. 262, 263, 264, 265, 266, 267, 268, 269, 272, 275 and 276; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1118, and House Joint Resolutions Nos. 54, 252, 253, 254 and 270; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1118; and House Joint Resolutions Nos. 54, 252, 253, 254 and 270; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1126, 1484 and 1523; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 140 and 147; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1126, 1484 and 1523; House Resolution No. 85; and Senate Joint Resolutions Nos. 140 and 147.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

701 — To amend Title 39, Chapter 4, Code; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

1441 — To regulate closed season, red foxes, Knox County;

1517 — To amend Section 2-511, Code;

1524 — To amend regulations promulgated by Wildlife Resources Authorities; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

100 — Relative to funding, training of foster parents;

139 — Relative to expressing appreciation, former members of the Tennessee Code Commission;

141 — Relative to commending, Phillip M. McGovern;

142 — Relative to memory, H. O. Balls;

144 — Relative to memory, John R. Spivey;

145 — Relative to commending Rugby Restoration Association; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

CALENDAR

Mr. Phillips moved that House Bill No. 1069 be placed on the Calendar for Wednesday, February 1, 1978 which motion prevailed.

Mr. Spence moved that House Bill No. 566 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Fuqua moved that House Bill No. 613 be placed on the Calendar for Wednesday, February 15, 1978, which motion prevailed.

House Bill No. 738 — To make provisions, transfer, Juvenile Court to Criminal Court.

Mr. Turner moved that House Bill No. 738 be passed on third and final reading.

Mr. Turner moved to amend as follows:

# AMENDMENT NO. 1

Amend House Bill No. 738 by deleting Subsection (a), Item (1) Tennessee Code Annotated 37-234 in its entirety and substituting in lieu thereof the following:

“the child was sixteen (16) years or more of age at the time of the alleged conduct or the child was fourteen (14) or more years of age at the time of the alleged conduct if the offense charged included murder, manslaughter, rape, robbery with a deadly weapon or kidnapping;”

FURTHER AMEND by deleting the entire Section 2.

On motion, the amendment was adopted.

Mr. Wallace moved the previous question, which motion failed by the following vote:

Ayes.....	43
Noes.....	38
Present and not voting .....	5

Representatives voting aye were: Ashford, Bishop, Buck, Bussart, Butler, Carter, Chiles, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Elkins, Fisher, Fleming, Fuqua, Gill, Hood, Johnson, Lanier, Lashlee, Longley, McAfee, Martin, Moore, Murray (Madison), Naifeh, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Shockley, Small, Smith, Spence, Stafford, Stallings, Sterling, Wallace, Watson, Williams, Wolfe, Wood and Young — 43.

Representatives voting no were: Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Burleson, Burnett (Fentress), Byrd, Cawood, Clark, Cobb, Darnell, DeBerry, Ellis, Ford (Cocke), Ford (Shelby), Good, Henry, Hillis, Hurley, King, Love, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Ozment, Phillips, Pickering, Pruitt, Richardson, Robinson (Davidson), Steinhauer, Tanner and Withers — 38.

Representatives present and not voting were: Hall, Richards, Scruggs, Yelton and Mr. Speaker McWherter — 5.

Mr. McKinney moved that House Bill No. 738 be re-referred to the Committee on Finance, Ways and Means.

Mr. Turner moved that the motion be tabled, which motion prevailed by the following vote:

Ayes.....	48
Noes.....	42
Present and not voting .....	3

Representatives voting aye were: Ashford, Bishop, Buck, Butler, Carter, Cawood, Chiles, Copeland, Darnell, Davidson (Wayne), Elkins, Fisher, Ford (Cocke), Fuqua, Gill, Good, Jensen, Johnson, Lanier, Lashlee, Longley, McAfee, Martin, Moore, Murray (Madison), Naifeh, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Watson, Williams, Wolfe, Wood, Young and Mr. Speaker McWherter — 48.

Representatives voting no were: Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Burleson, Burnett (Fentress), Burnett (Sumner), Byrd, Clark, Cobb, Davidson (Robertson), Davis, DeBerry, Ellis, Ford (Shelby), Gaia, Henry, Hillis, Hood, Hurley, Kernell, King, Love, McKinney, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Nolan, Ozment, Phillips, Pickering, Pruitt, Robinson (Hamilton), Shockley, Steinhauer, Webb, Withers, Work and Yelton — 42.

Representatives present and not voting were: Hall, Miller, and Scruggs — 3.

Mr. Turner moved that House Bill No. 738 be placed on the Calendar for Wednesday, February 8, 1978, which motion prevailed.

Mr. Hurley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 309 out of order, which motion prevailed.

House Joint Resolution No. 309 — Relative to withholding school funds, Hawkins County — By Hurley, Shockley, Blackburn, Robertson, Hood, Yelton, Bewley, Robinson (Davidson), Burleson, Good, Fisher, Turner, Robinson (Hamilton), Longley, Scruggs, Smith, Carter, Wallace, Wolfe, Cawood, Butler, Small, Ford (Cocke), Gaia, Cobb, Ashford, Stafford, Withers, Hall, Richards, Elkins, Webb, Phillips, Davis, Davidson (Wayne), Atchley, Sterling, Nolan, Pruitt, Stallings, Lanier, Ledford, Gill, McAfee, Jensen, Bussart, Johnson, Tanner, Copeland, Murray (Franklin), Miller, Richardson, Ford (Shelby), Williams, Byrd, Steinhauer, Young and DePriest.

Mr. McKinney moved that House Joint Resolution No. 309 be referred to the Committee on Education which motion prevailed.

Mr. Lanier moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 306 out of order, which motion prevailed.

House Joint Resolution No. 306 — Relative to congratulating Lake County High School football team — By Lanier, Fuqua, Naifeh, Bishop and Tanner.

Mr. Lanier moved that the rules be suspended for the immediate consideration of House Joint No. 306, which motion prevailed.

On motion of Mr. Lanier, the resolution was adopted.

A motion to reconsider was tabled.

## RESOLUTIONS LYING OVER

Senate Joint Resolution No. 100 — Relative to funding, training of foster parents.

The Speaker referred Senate Joint Resolution No. 100 to the Committee on General Welfare.

Senate Joint Resolution No. 139 — Relative to expressing appreciation, former member of the Tennessee Code Commission.

Under the rules, Senate Joint Resolution No. 139 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 141 — Relative to commending, Phillip M. McGovern.

Under the rules, Senate Joint Resolution No. 141 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 142 — Relative to memory, H. O. Balls.

Under the rules, Senate Joint Resolution No. 142 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 144 — Relative to memory, John R. Spivey.

Under the rules, Senate Joint Resolution No. 144 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 145 — Relative to commending Bugby Restoration Association.

Under the rules, Senate Joint Resolution No. 145 was referred to the Committee on Calendar and Rules.

Mr. Miller moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 310 out of order, which motion prevailed.

House Joint Resolution No. 310 — Relative to honoring John S. Humphreys — By Miller, Atchley, Hall, Jensen, Richards, Burnett (Fentress), Smith, Scruggs and Nolan.

Mr. Miller moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 310, which motion prevailed.

On motion of Mr. Miller, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Jensen moved that the 48 hour rule be suspended for the consideration of the Calendar for, Thursday, January 26, 1978, which motion prevailed.

## MOTIONS

On motion of Mr. Ashford, House Bill No. 105 was recalled from the Committee on State and Local Government.

On motion of Mr. Ashford, House Bill No. 105 was withdrawn from the House.

On motion of Mr. Ashford, House Bill No. 108 was recalled from the Committee on State and Local Government.

On motion of Mr. Ashford, House Bill No. 108 was withdrawn from the House.

On motion of Mr. Ashford, House Bill No. 109 was recalled from the Committee on State and Local Government.

On motion of Mr. Ashford, House Bill No. 109 was withdrawn from the House.

On motion of Mr. Ashford, House Bill No. 107 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Ashford, House Bill No. 107 was withdrawn from the House.

On motion of Mr. Ashford, House Bill No. 270 was recalled from the Committee on Commerce.

On motion of Mr. Ashford, House Bill No. 270 was withdrawn from the House.

On motion of Mr. Ford (Shelby), House Bill No. 1177 was recalled from the Committee on State and Local Government.

On motion of Mr. Ford (Shelby), House Bill No. 1177 was withdrawn from the House.

On motion of Mr. Bussart, House Resolution 26 was recalled from the Committee on State and Local Government.

On motion of Mr. Bussart, House Resolution No. 26 was withdrawn from the House.

On motion of Mr. Lashlee, House Bill No. 1546 was recalled from the Committee on Commerce.

On motion of Mr. Lashlee, House Bill No. 1546 was withdrawn from the House.

#### **SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1693 — Butler

House Bill No. 1674 — Wood

House Bill No. 1539 — Burnett (Sumner), Tanner and Bussart

House Bill No. 572 — Burnett (Sumner)

House Bill No. 333 — Young

SECOND ROLL CALL

A roll call was taken with the following results:

Present ..... 97

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 97.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 299 — Relative to honoring Virgil A. Cline, Sr., of Shelbyville — By Phillips.

Under the rules, House Joint Resolution No. 299 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 300 — Relative to commending Mrs. Janie White of Morris-town — By Shockley.

Under the rules, House Joint Resolution No. 300 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 301 — Relative to State Building Commission study — By Robinson (Davidson) and Ellis.

The Speaker referred House Joint Resolution No. 301 to the Committee on State and Local Government.

House Resolution No. 91 — Relative to commending Cletus McWilliams — By Murphy (Davidson), Young, DeBerry and Mr. Speaker McWherter.

Under the rules, House Resolution No. 91 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 302 — Relative to joint committee for study of probate laws — By Murphy (Davidson).

Under the rules, House Joint Resolution No. 302 was referred to the Committee on Judiciary.

House Joint Resolution No. 303 — Relative to transferring the Office of Child Development — By Murphy (Davidson).

Under the rules, House Joint Resolution No. 303 was referred to the Committee on General Welfare.

House Joint Resolution No. 304 — Relative to Interstate 24 sign for the Tennessee Game Farm — By Murphy (Davidson).

Under the rules, House Joint Resolution No. 304 was referred to the Committee on Transportation.

### INTRODUCTION OF BILLS

House Bill No. 1681 — To make provisions, funeral expense benefits — By Rhinehart, Ford (Shelby) and Burnett (Fentress).

Passed first reading.

House Bill No. 1682 — To clarify the definition of the term "employee" — By Ford (Shelby), Naifeh and Burnett (Fentress).

Passed first reading.

House Bill No. 1683 — To regulate the examination of persons in the insurance business — By Ford (Shelby), King, Burnett (Fentress) and Kernell.

Passed first reading.

House Bill No. 1684 — To add third Assistant Attorney-General, Board of Claims — By Darnell, Rhinehart, Davidson (Robertson), and Work.

Passed first reading.

House Bill No. 1685 — To exempt from sales tax, certain electrical equipment — By Darnell, Gill, Moore, Brewer, Spence, Davis, Bissel, and Rhinehart.

Passed first reading.

House Bill No. 1686 — To authorize bond issue, sewage works — By Moore and Darnell.

Passed first reading.

House Bill No. 1687 — To exempt from sales tax, residential utilities — By Burnett (Sumner) and Moore.

Passed first reading.

House Bill No. 1688 — To clarify requirements, financial responsibility — By Miller and Naifeh.

Passed first reading.

House Bill No. 1689 — To promote community involvement, public schools — By Phillips.

Passed first reading.

House Bill No. 1690 — To authorize commissioner of conservation to administer certain acts — By Watson and Burnett (Fentress).

Passed first reading.

House Bill No. 1691 — To make certain provisions, bonds of public offenders — By Bussart and Davidson (Robertson).

Passed first reading.

House Bill No. 1692 — To impose requirements on banks holding deposits of state funds — By Lashlee, Butler, Fuqua, Murray (Madison) and Stallings.

Passed first reading.

House Bill No. 1693 — To establish date for conversion of sick leave for certain employees — By work, Lashlee, Rhinehart, Elkins, Blackburn, Burks, Murray (Franklin), Davidson (Robertson), Shockley, Wood, Robinson (Hamilton), Starnes and Burnett (Fentress).

Passed first reading.

House Bill No. 1694 — To delete time limit for establishment of certain board — By Spence and Williams.

Passed first reading.

House Bill No. 1695 — To amend Sections 34-1015 and 34-1016, Code — By Elkins, Martin, Ford (Cocke), Darnell, Davidson (Robertson) and Cawood.

Passed first reading.

House Bill No. 1696 — To make certain regulations, student accident insurance coverage — By Smith and Henry.

Passed first reading.

House Bill No. 1697 — To make certain provisions, mental examinations, driving while intoxicated — By Smith, Robertson, Scruggs and Henry.

Passed first reading.

House Bill No. 1698 — To make certain provisions, destruction of public records — By Smith, Robertson, Richards and Scruggs.

Passed first reading.

House Bill No. 1699 — To make certain provisions, appeals in judicial review — By McKinney, Murray (Franklin), Phillips, Bussart and Bell.

Passed first reading.

House Bill No. 1700 — To make certain provisions, jurisdiction of courts — By McKinney, Murray (Franklin), Phillips, Bussart and Bell.

Passed first reading.

House Bill No. 1701 — To make certain provisions, Court of Appeals — By McKinney, Murray (Franklin), Phillips, Bussart and Bell.

Passed first reading.

House Bill No. 1702 — To create the offense of vehicular homicide — By Elkins and Bissell.

Passed first reading.

House Bill No. 1703 — To make provisions, driver's license revocation period — By Elkins.

Passed first reading.

House Bill No. 1704 — To amend Section 12-317, Code. — By Elkins.

Passed first reading.

House Bill No. 1705 — To regulate operation of hotels and restaurants — By Bragg.

Passed first reading.

House Bill No. 1706 — To amend Section 13-2321, Code — By Bragg.

Passed first reading.

House Bill No. 1707 — To define powers, Commissioner of Revenue — By Bragg and Burnett (Fentress).

Passed first reading.

House Bill No. 1708 — To regulate collection and reporting of business tax — By Bragg and Burnett (Fentress).

Passed first reading.

House Bill No. 1709 — To modify penalty and interest provisions, underpayment of estimated tax — By Bragg and Burnett (Fentress).

Passed first reading.

House Bill No. 1710 — To authorize tax returns and payments, optional reporting period intervals — By Bragg and Burnett (Fentress).

Passed first reading.

House Bill No. 1711 — To establish interest rate, certain tax liability payments — By Bragg and Burnett (Fentress).

Passed first reading.

House Bill No. 1712 — To exempt certain contractors from sales and use tax — By Bragg and Burnett (Fentress).

Passed first reading.

House Bill No. 1713 — To provide for licensing, private investigators — By Wood.

Passed first reading.

House Bill No. 1714 — To appropriate funds, medical students, Meharry Medical College — By Robinson (Hamilton).

Passed first reading.

House Bill No. 1715 — To appropriate funds, study of sickle cell anemia — By Robinson (Hamilton).

Passed first reading.

House Bill No. 1716 — To make certain requirements, cosmetology instruction — By Burnett (Fentress).

Passed first reading.

House Bill No. 1717 — To regulate license fees, Board of Cosmetology — By Burnett (Fentress).

Passed first reading.

House Bill No. 1718 — To provide for issuance of bonds, educational facilities — By Burnett (Fentress).

Passed first reading.

House Bill No. 1719 — To provide for issuance of bonds, Department of Correction — By Burnett (Fentress).

Passed first reading.

House Bill No. 1720 — To regulate management and disposal, public records — By Burnett (Fentress).

Passed first reading.

House Bill No. 1721 — to establish uniform system for collection and administration, litigation taxes — By Burnett (Fentress).

Passed first reading.

House Bill No. 1722 — To permit notice of hearing, petition to appoint conservator — By Murphy (Davidson).

Passed first reading.

House Bill No. 1723 — To amend Section 2-1349, Code — By Murphy (Davidson).

Passed first reading.

House Bill No. 1724 — To amend Section 2-511, Code — By Murphy (Davidson).

Passed first reading.

House Bill No. 1725 — To regulate filing of nominating petitions, certain candidates — By Murphy (Davidson).

Passed first reading.

House Bill No. 1726 — To regulate appointment of poll watchers — By Murphy (Davidson).

Passed first reading.

House Bill No. 1727 — To regulate nomination, certification and allocation, political convention delegates — By Murphy (Davidson).

Passed first reading.

House Bill No. 1728 — To regulate deer hunting, Hancock County — By Robertson.

Passed first reading.

House Bill No. 1729 — To make provisions, inheritance tax — By Murray (Franklin), Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

Passed first reading.

#### SENATE BILLS ON FIRST READING

Senate Bill No. 701 — To amend Title 39, Chapter 4, Code.

Passed first reading.

Senate Bill No. 1441 — To regulate closed season, red foxes, Knox County.

Passed first reading.

Senate Bill No. 1517 — To amend Section 2-511, Code.

Passed first reading.

Senate Bill No. 1524 — To amend regulations promulgated by Wildlife Resources Authorities.

Passed first reading.

### HOUSE BILLS ON SECOND READING

House Bill No. 1671 — To make provisions, expiration, sporting licenses.

Passed second reading and referred to Committee on Conservation and Environment.

House Bill No. 1672 — To make provisions, checks and orders, insufficient funds.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 1673 — To make provisions, investments by insurance companies.

Passed second reading and referred to Committee on Commerce.

House Bill No. 1674 — To make provisions, enactment, Tennessee Financial Responsibility.

Passed second reading and referred to Committee on Commerce.

House Bill No. 1675 — To make certain provisions, chief administrative officer, White County Highway Department.

Passed second reading and held without reference.

House Bill No. 1676 — To revise and codify statutes of state.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 1677 — To make certain provisions, creation of office of Criminal Investigation.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 1678 — To authorize police officers to use necessary force to prevent looting.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 1679 — To make certain provisions, Fifth Judicial Circuit, Division I.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 1680 — To authorize sale of bonds to provide state loans.

Passed second reading and referred to Committee on Finance, Ways and Means.

STANDING COMMITTEE REPORTS

COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1565, 1576, 1577, 1578, 1579, 1583, 1629 and 1630.

MURRAY (Franklin), Chairman.

Under the rules, House Bills Nos. 1565, 1576, 1577, 1578, 1579, 1583, 1629 and 1630 were transmitted to the Committee on Calendar and Rules.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1480, 1572 and 1574.

BRAGG, Chairman.

Under the rules, House Bills Nos. 1480, 1572 and 1574 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1638, and further recommend that House Bill No. 944 be referred to Committee on Finance, Ways and Means.

GILL, Chairman.

Under the rules, House Bill No. 1638 was transmitted to the Committee on Calendar and Rules.

The Speaker referred House Bill No. 944 to the Committee on Finances, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bill No. 743.

DAVIS, Chairman.

Under the rules, House Bill No. 743 was transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 832, 1569 and 1636.

MURPHY (Shelby), Chairman.

Under the rules, House Bills Nos. 832, 1569 and 1636 were transmitted to the Committee on Calendar and Rules.

### LABOR AND CONSUMER AFFAIRS

MR. SPEAKER: Your Committee on Labor and Consumer Affairs begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1549, 1584, 1585, 1586, 1600 (with amendments) and 1601.

BISSELL, Chairman.

Under the rules, House Bills Nos. 1549, 1584, 1585, 1586, 1600 and 1601 were transmitted to the Committee on Calendar and Rules.

### STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1539, 1614, 1615 and 1632.

MURRAY (Madison), Chairman.

Under the rules, House Bills Nos. 1539, 1614, 1615 and 1632 were transmitted to the Committee on Calendar and Rules.

### TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 572 (with amendment), 1575, 1580, 1624 and 1625.

ROBINSON (Davidson), Chairman.

Under the rules, House Bills Nos. 572, 1575, 1580, 1624 and 1625 were transmitted to the Committee on Calendar and Rules.

### REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, January 26, 1978: House Bill No. 717, House Resolution No. 15, Senate Joint Resolution No. 64; and House Bills Nos. 1572, 1574, 1575, 1565, 1584, 1585, 1624 and 1579.

LANIER, Chairman.

### REPORT OF COMMITTEE ON CALENDAR AND RULES

#### CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday,

January 26, 1978: House Bills Nos. 1580, 1576, 1586, 1577, 1578, 1614, 1615, 1583, 1625 and 480.

LANIER, Chairman.

## RECESS

Mr. Burnett (Fentress) moved that the House recess for the purpose of meeting with the Senate in Joint Convention, and at the conclusion of the Convention, stand in adjournment until 10:00 A.M. tomorrow, which motion prevailed.

## IN JOINT CONVENTION

The hour having arrived, set by Senate Joint Resolution No. 134 — Relative to Joint Convention, State of the State Address, the Senate met with the House in Joint Convention.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion of Senator Hamilton, the roll call of the Senate was dispensed with.

On motion of Representative Burnett (Fentress), the roll call of the House was dispensed with.

Thereupon, the Clerk of the Senate read Senate Joint Resolution No. 134 authorizing the Joint Convention.

Representative Naifeh moved that the President appoint a committee to notify the Governor that the Joint Convention was in session and awaiting his arrival, which motion prevailed.

Mr. President Wilder appointed the following committee to notify the Governor: Senators Boner, Hicks, Nave and O'Brien, and Representatives Blackburn, DeBerry, Johnson and Wolfe.

Mr. President Wilder recognized the Chief Clerk of the House, Mr. David H. Welles, for introduction of guests.

Mr. Welles introduced the following guests: The Chief Justice and the Associate Justices of the Tennessee Supreme Court; the Honorable Brooks McLemore, the Attorney General and Reporter; the Honorable Cletus McWilliams, the Executive Secretary of the Supreme Court; the Honorable Gentry Crowell, Secretary of State; the Honorable Harlan Mathews, State Treasurer; the members of the Public Service Commission: the Honorable Bob Clement, the Honorable Z. D. Atkins, and the Honorable Frank D. Cochran; and the Members of the Governor's Cabinet.

Mr. President Wilder recognized Mrs. Ray Blanton and members of the Governor's Family.

The Joint Convention recessed pending the arrival of His Excellency, the Governor of the State of Tennessee.

The Joint Convention was called to order by Mr. President Wilder.

On motion, the roll calls of the House and Senate were dispensed with.

Representative Blackburn announced that the Governor of the State of Tennessee was at the entrance of the House.

The Committee escorted the Honorable Ray Blanton, Governor of the State of Tennessee, to the Clerk's rostrum where he delivered the following State of the State Address:

### STATE OF STATE ADDRESS

Mr. President Wilder, Mr. Speaker McWherter, Mr. Chief Justice and Members of the Judiciary, Members of the General Assembly, Constitutional Officers, Members of the Cabinet, Fellow Tennesseans:

Many years ago, I was taught by my good parents that when you make a commitment you keep it.

This philosophy is the pole star by which I have been guided during my entire political life.

A commitment to the people stands as a sacred covenant . . . commanding compliance and demanding performance.

Three years and seven days ago when I undertook the awesome responsibility of serving as Governor of this state, I made a commitment to the people.

I did so with the prayer that God would grant me the ability to meet the needs and demands of the office.

I did not come to this responsibility with empty hands.

I brought with me a vision of a "better tomorrow" for Tennessee.

I brought pride, tempered with humility.

I brought an unquenchable love for my state and its people . . . and a deep dedication to serve them well.

I brought a dream of economic progress and industrial development.

I brought a dream of a state government that cared about the working man and woman.

I brought a dream of dedicated service to the disabled . . . the aging . . . new opportunities for the handicapped.

I brought a dream of a better standard of living . . . of quality education . . . of equal opportunity for all Tennesseans.

I brought a dream of pure air . . . cleaner streams . . . and a better balance between the needs of the environment and industry.

And I brought "promises to keep".

Tonight I want to talk about those promises . . . and what has been done to keep my pledge to bring efficiency, economy and effectiveness to state government.

Ladies and gentlemen, I am keeping my promises.

It is the vision of a "better tomorrow" for Tennessee that has prompted the approach of my administration.

You will find evidence to back that statement up in every department and agency of state government.

Tennessee has come a long, hard way toward its better tomorrow.

Now as I report to you on the "State of the State" it is my pleasure to assure you that it is excellent.

In my Budget Message I reported that Tennessee has recovered from the recession . . . and we're in a position to proceed into the future with confidence.

We've negotiated stormy financial seas and have put state government back on an even keel . . . as I promised in my Inaugural Address.

The condition of our people and our business today is in marked contrast to the situation that confronted us three years ago.

Our economy was depressed . . . slowing the heartbeat of this state.

Men and women were out of work . . . state finances were faltering.

And in the words of my grandfather, things were in "sorry shape".

With the loyal support of my "Blue Ribbon" cabinet . . . and the cooperation of the General Assembly and leaders of labor, business and industry . . . we bolstered our fading economy and brought it to its soundest fiscal base in history.

Our management structure has not only put us on firm ground today, but it offers a sound course for future administrations and legislatures to follow with confidence.

The strict business approach we brought to state finances was a pledge I made to the people and I am proud that I have kept that pledge.

During my campaign, I promised to do everything possible to improve the overall economy . . . to reduce unemployment . . . and to open new job opportunities.

We have done those things, too.

The unemployment rate was 9.6 percent in 1975 . . . today it has dropped to 4.4 percent . . . the 2nd lowest in the Southeast and one of the lowest in the nation.

We were 38th in the nation, percentage-wise, in putting people to work . . . today we're 7th.

Only 53 percent of our unemployed were getting their compensation checks within two weeks . . . today 88 percent of them are.

We had only 43 employment offices statewide . . . today we have 119, giving our citizens better access to help in getting jobs.

In 1975, the maximum unemployment compensation benefit was \$70 . . . today it is \$95.

In 1976, we were issuing over a million dollars a day to 100,000 jobless workers . . . and yet we maintained a sound unemployment trust fund . . . only 8 states have a sounder one.

The core of my promise to improve the overall economy was to strengthen the Department of Economic and Community Development.

The results have been remarkable.

Since the beginning of this administration, 859 new plants and expansions have been announced . . . representing 1.3 billion dollars in capital investments and 46,000 new jobs for Tennesseans.

Our trade missions and contacts abroad have contributed to plans involving 300 million dollars in new and expanded plants and 4,000 jobs.

In community development, 200 million dollars in federal funds have been invested in industrial parks, water systems and highways.

Our industrial training program . . . which we have coordinated with the Department of Education for greater efficiency . . . has worked with 250 industries and trained 9,000 workers.

This has helped existing industries and is attracting new industry.

Our office of business enterprise has helped place 241 minority businesses on the list of firms qualified to bid on public contracts . . . 217 contracts totaling 7 million dollars have been signed.

Encouragement of small business was another of my pledges.

I also promised to strengthen tourism.

We created the first cabinet level Department of Tourism Development in the nation . . . and it is one of 6 state tourism programs being studied by the "Council of State Governments" as a model.

Sixteen states have studied us and 3 have developed legislation patterned after ours.

Tourism, the third largest business in Tennessee, is a bright spot in our economy.

We had 47 million out-of-state travelers in 1977 . . . 5.5 million more than in 1975.

The revenue figure has climbed by 400 million dollars and today our tourist industry is a 1.5 billion dollar a year business.

We collect 84 million dollars more in state taxes from tourism than in 1975 . . . and tourism accounts for 28 percent of state taxes collected by Tennessee from all sources.

Tourism now provides jobs for 146,000 Tennesseans.

One major accomplishment has been to increase the average length of stay by tourists.

Three years ago the average stay was 1.7 days . . . and we set a goal to increase it by one full day in 5 years.

We've already reached the goal in half the time . . . and now we forecast another full day in the next 3 to 5 years.

During 1977, national tourism growth was 9.3 percent . . . ours was 12.7 percent.

Let me point out that Tourism and E.C.D. have made heavy contributions to the overall economy on relatively modest budgets.

The three-year figure for E.C.D. is 9.4 million and for Tourism 6.9 million dollars.

Ladies and gentlemen, these Departments have been key factors in turning our economy around and "beating" the recession.

I turn now to what has become one of the most sensitive areas of state government . . . Corrections.

I promised to improve the overall system . . . to consider re-opening Brushy Mountain . . . to support regional centers . . . and to improve rehabilitative and educational programs in the system.

Brushy Mountain has been re-opened . . . providing 450 new beds and 299 jobs for the local community.

During this administration we've opened Shelby County Regional Correctional Center . . . providing another 400 beds and 120 jobs.

We have an innovative program there involving contracting for rehabilitative services with the State Technical Institute at Memphis . . . and this complex is hailed as a national pace-setter.

Two other Regional Centers are under construction and another is planned.

I condemn warehousing of criminals and I appreciate the problems of over-crowding.

But this is not peculiar to Tennessee.

America has been in the throes of a crime wave . . . and the impact on our prisons has been terrific.

Prosecutors are bringing criminals to justice . . . and our court system has speeded disposition of cases.

It's inevitable that with more crimes, more trials, and more convictions, we would have more prisoners.

But substantial improvements have been made.

— Our rehabilitation and education programs are gaining strength.

— We've opened a long-needed facility for retarded offenders.

- Salaries for correctional officers have been raised from \$510 a month to \$680 . . . this has moved us from 49th in the nation to 36th.
- We're attracting more qualified officers and the annual turnover rate has been reduced from 40 to 15 percent.
- A volunteer counselor program has been developed, using 450 private citizens to help with caseloads . . . this has saved money necessary to hire 75 additional counselors otherwise.

It's gratifying to me that we have filled a gap in our correction system . . . the involvement of volunteers.

We deeply appreciate the many dedicated hours of service they donate to their state.

- Ten new "group homes" will be opened soon to divert nondelinquent juveniles assigned to the Department from placement in correctional facilities.
- We're working to expand the prison industries and farm programs so every resident will work if he poses no security problem.

There has been criticism of our Correction Department . . . but let me tell you what a former director of the U. S. Bureau of Prisons said a few days ago.

He said Tennessee's correction system ranks "among the top 10 or 12 in the country" including federal and state prisons.

Ladies and gentlemen, we know we have problems and we're coping with them . . . we have a fine correctional system and it deserves your support.

I assure you I am keeping my promises to improve it.

The greatest resource Tennessee can develop is its people . . . an asset fundamental to our future economy.

The betterment of individual life styles and the advancement of human relations must be among the first imperatives of government.

The state has a strong responsibility to provide opportunity for every Tennessean to have access to quality education.

I made a solemn pledge to work to improve our total education program . . . including an effort to increase funding beyond the "status quo" level.

I have kept that promise.

State funding for the minimum education program has increased by almost 70 million dollars.

We moved from 50th in the nation to 45th in expenditure-per-pupil in 1976-77 . . . and while figures are not available yet for the 1977-78 year, there are indications that we may rank 43rd.

Teachers salaries have increased 18.5 percent.

In 1975-76 we were 39th in teachers salaries including all funding sources . . . and in 1976-77 we moved up to 36th.

These rankings do not include the 7 percent salary increase approved for the current year or the 7.5 percent proposed for the coming year.

We hope these two increases will bring our ranking up considerably.

Tennessee now ranks 2nd in the percentage of handicapped children identified and served.

In 1975 we created a division for education of the handicapped and since then 75 percent of public school teachers have had special education training.

We've increased funds to lower the teacher-pupil ratio in the first and second grades . . . and to provide an additional \$1 per pupil for textbooks.

We've implemented the vocational education program . . . and since 1975 we've opened 121 facilities . . . 21 are under construction . . . and 12 are in the planning stages.

In 1975, we sponsored an amendment allowing smaller high schools to participate in the comprehensive education program and 31 are approved for construction.

Last year, 47 percent of our high school students took part in vocational education programs . . . compared with only 29 percent in 1974-75.

In higher education, Tennessee has moved to 6th in the nation in the percentage increase in funding over the past two years.

Black student enrollment in institutions that formerly were mostly white has increased by 22 percent.

Tennessee is the first state in the nation to begin a statewide program to measure performance in higher education programs.

Ladies and gentlemen, I pledged to improve education programs . . . and I have honored that pledge.

I cannot cite all the ways my covenant with this state has been kept.

Let me add these:

- We have new programs to improve health care for women and children.
- Air and water pollution have been reduced and sewage treatment plants are being upgraded.
- Improvements have been made in Medicaid services . . . and fraud and abuse control has resulted in recovery of \$100,000.
- We worked with the Legislature to develop a Child Abuse Law, now recognized as a model for the nation.

- We have developed comprehensive emergency services for children . . . a model now for 30 states.
- We've reduced the error rate by 40 percent in Aid to Families With Dependent Children . . . and by 35 percent in the Food Stamp Program . . . this has saved 19 million dollars.
- In 1976, we established the first Residential Center For the Blind.
- We have cracked down on child support payments and have recovered 2.5 million dollars in payments.
- We've increased our Community Comprehensive Mental Health Programs and now 82 of our 95 counties have access to psychiatric services.
- We now have 116 community-based retardation programs serving 4,000 clients.
- We've encouraged these programs to seek accreditation . . . and at present only five in the Southeast have been accredited . . . and four of them are in Tennessee.
- We've established six new programs in drug and alcohol treatment and rehabilitation.
- Specialized services for the elderly have been extended to all Mental Health Centers.
- The "Commission on the Status of Women" has been strengthened . . . and we helped obtain a \$50,000 grant to address the concerns outlined at the Governor's Conference on Business Women.
- By Executive Order, we've placed 22,000 more state employees under Civil Service . . . giving 96 percent of all employees protection and job security.
- We've raised the starting salary of the lowest pay level from \$359 a month to \$456.
- We've increased the maximum Workman's Compensation for accidents from \$70 a week to \$100.
- We were the first state in the nation that the U. S. Department of the Interior has contracted with to provide safety training to miners.
- A new computerized system, including early bank deposits to earn extra interest, will produce savings and increased revenue of 1.1 million dollars over the next 10 years.
- We have taken full advantage of all available federal funds and today the proposed budget reflects 1 billion in federal funds.
- Our Banking Department is recognized as one of the most progressive in the nation . . . and was recently chosen as one of 3 in the country in a pilot program to assess the "FDIC" computer base program.
- The Department of Insurance was prominent in returning medical malpractice insurance coverage to the private sector . . . and the company which was organized, funded and licensed through our cooperation with the T.M.A. . . is a model for other states.

- One-third of our National Guard Armories have been rebuilt.
- We increased drug enforcement activities, including the arrest of 51 major interstate drug suppliers.
- We initiated a new program to aid interstate motorists . . . also a national pace-setter.
- Our Energy Authority program has been cited as one of the nation's top 10.
- Expansion of markets for Tennessee farmers has been a prime effort . . . we've made agricultural trade missions to the Mid-East and Scandinavia . . . and have employed a foreign market administrator.
- Funding for soil conservation has increased 400 percent.
- 20 million dollars in federal loans were made available at our request to Tennessee farmers hard hit by the weather.
- Tennessee state parks broke records last year, as a result of development activities . . . 17 million visitors spent a record 7 million dollars.

Ladies and gentlemen, it's disappointing not to be able to cite more of the good things going on in state government.

I am very proud of the progress we've made during the past three years and we do not propose to relax our efforts.

The story of this administration is indeed a "continued story" . . . of performance, progress and promises kept.

Let me assure you that my efforts have not been for selfish or "ego trip" reasons.

I have worked because I am a part of this state and this state is a part of me . . . and I want with my whole heart to bring true that vision of a "better tomorrow" for all Tennesseans.

A few nights ago, I was rocking my grandchild and I realized more than ever before the deep responsibility I have to the future of this state.

As I held my own small part of the future in my arms, I renewed my dedication to keep my covenant to improve the condition of our state.

I realized that we must never be short-sighted in our goals but should always make future generations the forefront of our commitments and the heart of our performance.

I can assure you, it was a moving experience.

It was also a moving experience when the people of Tennessee honored me by entrusting state government into my keeping.

Serving this state as Governor has been enlightening as well as rewarding . . . and I would not trade the experience for anything in the world.

It has given me a chance to serve in a very special way and I could never regret that opportunity.

The "brighter tomorrow" I longed for is here . . . and an even brighter one lies just ahead of us.

The excitement and the challenge have not gone . . . they will never be gone.

As long as there is a need to elevate the human condition . . . to better the quality of life . . . we must strive . . . we must not be satisfied.

To build the kind of Tennessee we want is a continuing process.

But we can be grateful and proud that we are building better foundations for the future . . . which is what Tennesseans have done from the day they carved our state out of the wilderness.

The key to our progress . . . the key to all this state's "better tomorrows" lies in caring.

I pledged to you to be a "caring" governor . . . and I have kept that promise, too.

Mr. President Wilder relinquished the Chair to Mr. Speaker McWherter as President of the Joint Convention.

Mr. President McWherter expressed thanks to Governor Blanton.

The purpose for which the Joint Convention was called having been accomplished, Mr. President McWherter declared the Joint Convention dissolved.

The Senate repaired to the Senate Chamber.

Thereupon, pursuant to a previous motion, Mr. Speaker McWherter declared the House adjourned until 10:00 a.m. tomorrow.